

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
CHICAGO DIVISION

In Re:

Case No. 19-01872

Charles N. Brown

Chapter 13

Debtor

Hon. Judge Carol A. Doyle

**NOTICE OF MOTION OF SPECIALIZED LOAN SERVICING, LLC AS SERVICER
FOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN
INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2006-HE10,
ASSET BACKED-CERTIFICATES, SERIES 2006-HE10 TO MODIFY AUTOMATIC
STAY**

VIA ELECTRONIC NOTICE:

David M Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling,
IL 60090

Tom Vaughn, 55 E. Monroe Street, Suite 3850, Chicago, IL 60603

VIA U.S. MAIL:

Charles N. Brown, Debtor, 8308 S. Constance Ave., Chicago, IL 60617

PLEASE TAKE NOTICE that on June 9, 2020 at 9:30 a.m., I will appear before the Honorable Judge Carol A. Doyle, or any judge sitting in that judge's place, and present the *Motion of Specialized Loan Servicing LLC, as servicing agent for Specialized Loan Servicing, LLC as servicer for U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Bear Stearns Asset Backed Securities I Trust 2006-HE10, Asset Backed-Certificates, Series 2006-HE10 to Modify Automatic Stay*, a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.CourtSolutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of

Objection is timely filed, the motion will be called on the presentment date.

Dated: May 27, 2020

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)

Sottile & Barile, Attorneys at Law

394 Wards Corner Road, Suite 180

Loveland, OH 45140

Phone: 513.444.4100

Email: bankruptcy@sottileandbarile.com

Attorney for Movant

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice along with the attached Motion upon the above-named parties by electronic filing or, as noted above, by placing same in a properly addressed and sealed envelope, postage prepaid, and depositing it in the United States Mail at 394 Wards Corner Rd., Suite 180, Loveland, OH 45140 on May 27, 2020, before the hour of 5:00 p.m.

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)

Attorney for Movant

**UNITED STATES BANKRUPTCY COURT
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Hon. Judge Carol A. Doyle

MOTION OF SPECIALIZED LOAN SERVICING, LLC AS SERVICER FOR U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BEAR STEARNS ASSET BACKED SECURITIES I TRUST 2006-HE10, ASSET BACKED-CERTIFICATES, SERIES 2006-HE10 FOR RELIEF FROM STAY

NOW COMES Specialized Loan Servicing, LLC as servicer for U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association, as Trustee, successor by merger to LaSalle Bank National Association, as Trustee for Bear Stearns Asset Backed Securities I Trust 2006-HE10, Asset Backed-Certificates, Series 2006-HE10 (hereinafter, "Movant"), a secured creditor herein, by and through its attorneys, the law firm of Sottile & Barile, LLC, moves this Honorable Court pursuant to 11 U.S.C. §362(d) for an Order granting Movant relief from the automatic stay and in support thereof states as follows:

1. This Court has jurisdiction pursuant to 11 U.S.C. §§361, 362 and 363 of the United States Bankruptcy Code.
2. On October 27, 2006, the Debtor did execute a certain Note in the amount of \$144,000.00 (Exhibit A), secured by a Mortgage on the property commonly known as 8308 SOUTH CONSTANCE AVE, CHICAGO, IL 60617 (Exhibit B).
3. On August 22, 2012, the Debtor entered into a Loan Modification Agreement effective October 1, 2012 (Exhibit C).

4. Enforcement of Movant's security interest has been stayed automatically by operation of 11 U.S.C. § 362 of the Bankruptcy Code upon Debtor's filing of this petition on January 23, 2019.
5. The Debtor's Modified Chapter 13 Plan was confirmed on September 24, 2019. Section C of the Modified Plan provides for the Debtors to make current monthly mortgage payments directly to Movant. Section E (5) of the Modified Plan provides for Movant to receive monthly disbursements from the Chapter 13 Trustee to cure the pre-petition arrearage claim.
6. As of May 6, 2020, there remains due and owing on the Note and Mortgage referenced in paragraph two hereof, the unpaid principal balance of \$80,435.09.
7. The Debtor is delinquent on post-petition mortgage payments to Movant. As of May 19, 2020, the default was \$1,392.45.
8. Continuation of the automatic stay will cause irreparable harm to Movant and will deprive it of the adequate protection to which it is entitled.
9. Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

10. This Court has authority to order that Rule 4001(a)(3) is waived to the order entered in granting this motion, and Movant requests this Court so order.

WHEREFORE, Movant prays this Court enter an Order pursuant to 11 U.S.C. Section 362(d) modifying the automatic stay as to Movant, and for such other and further relief as this Court may deem just and proper.

Dated: May 27, 2020

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)

Sottile & Barile, Attorneys at Law

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